

ZONING MAP CHANGE REPORT

Meeting Date: October 15, 2012

Table A. Summary			
Application Summary			
Case Number	Z1100028	Jurisdiction	City
Applicant	Michael D. Goodfred	Submittal Date	November 7, 2011
Reference Name	Duraleigh Investments	Site Acreage	25.196
Location	2601 NC 55 Highway and 1914 Riddle Road, on the east side of NC 55 Highway south of Riddle Road.		
PIN(s)	0830-03-21-8771, -32-0780		
Request			
Proposed Zoning	Residential Suburban – Multifamily with a development plan (RS-M(D))	Proposal	179 residential units
Site Characteristics			
Development Tier	Suburban Tier		
Land Use Designation	Industrial, Recreation Open Space		
Existing Zoning	Industrial Light with a development plan (IL(D))		
Existing Use	Vacant		
Overlay	n/a	Drainage Basin	Jordan Lake
River Basin	Cape Fear	Stream Basin	Northeast Creek
Determination/Recommendation/Comments			
Staff	Staff determines that, should the plan amendment be approved, this request would be consistent with the <i>Comprehensive Plan</i> and other adopted policies and ordinances.		
Planning Commission	Approval 11 – 0, on August 14, 2012. The Planning Commission finds that the ordinance request is not consistent with the adopted <i>Comprehensive Plan</i> . However, should the plan amendment be approved, the request would be consistent with the <i>Comprehensive Plan</i> . The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.		
DOST	No comments		
BPAC	No comments		

A. Summary

This is a request to change the zoning designation of a two-parcel, 25.196 acre site from IL(D) to RS-M(D) for a residential development of 179 units. The site is located at 2601 NC 55 Highway and 1914 Riddle Road, on the east side of NC 55 Highway south of Riddle Road (see Attachment 1, Context Map). A plan amendment, case #A1100013, has been requested for this site to change the future land use designation from Industrial to Medium Density Residential (6 – 12 DU/Ac.). Staff is supporting the plan amendment request which also includes an additional parcel being requested for Commercial. Should the plan amendment be approved, this zoning map change request would be consistent with the *Comprehensive Plan* and other adopted policies and ordinances.

Appendix A provides supporting information.

B. Site History

The present designation of IL(D) for proposed commercial and office use was approved by City Council with zoning map change case Z07-03 in December 2007.

C. Review Requirements

Planning staff has performed a sufficiency review for this Zoning Map Change request (reference UDO Sec. 3.2.4, Application Requirements [general] and 3.5.5, Application Requirements [for a Zoning Map Change]). This staff report presents the staff findings per Sec. 3.5.8, Action by the Planning Director, on the request's consistency with the Unified Development Ordinance and applicable adopted plans.

This review is based primarily on compliance with any applicable laws, plans, or adopted policies of the City Council. Any issues or concerns raised in this report are based on best professional planning practice unless they have a basis in adopted plans, policies, and/or laws.

D. Unified Development Ordinance (UDO) Compliance

This request is consistent with the requirements of the Unified Development Ordinance. The associated development plan (see Appendix A, Attachment 4, Development Plan reduction) provides the required elements for zoning map change requests in the RS-M district (Sec. 3.5.6.D, Sec. 6.3.1). In addition, commitments in excess of UDO requirements have been made (see Appendix D for supporting information):

Text Commitments. Text commitments have been proffered to commit to requirements in excess of ordinance standards. These commitments (see Table D5, Summary of Development Plan) include: dedication of right-of-way along Riddle Road and site access improvements as well as northbound right-turn lanes on NC 55 Highway at both site access points.

Graphic Commitments. Graphic commitments include the general location of site access points, tree preservation areas, a fence along the eastern property line, and a 100-foot greenway easement along the stream at the southern end of the site.

Determination. The requested RS-M zoning district and associated development plan meets or exceeds the applicable requirements of the UDO. If this zoning map change request is approved, the attached development plan (Appendix A, Attachment 4) establishes the level of development allowed on the property.

E. Adopted Plans

A zoning map change request must be consistent with the *Comprehensive Plan*. As such, other adopted plans have been included by reference in this document. Table E, Adopted Plans, in Appendix E identifies the applicable policies of the *Comprehensive Plan* and other adopted plans included by reference.

Determination. Should the plan amendment (case A1100013) be approved, the requested zoning district and associated development would be consistent with the Future Land Use Map and other policies of the *Comprehensive Plan*.

Conditions in other adopted plans have been identified (see Appendix E, Table E):

Long Range Bicycle Plan Map 4.6 and Durham Trails and Greenways Master Plan. A proposed bicycle lane along NC 55 Highway is shown as a recommendation of the Long Range Bicycle Plan Map 4.6. If approved, this project is not required to construct road improvements that warrant improvements associated with the bicycle lane. The Long Range Bicycle Plan and Durham Trails and Greenways Master Plan both show a trail located parallel to the north prong of Northeast Creek. The development plan graphically commits to an easement at this location.

F. Site Conditions and Context

Site Conditions. The 25.196-acre site is located at 2601 NC 55 Highway and 1914 Riddle Road, east side of NC 55 Highway south of Riddle Road. The site is undeveloped and forested with a mix of soft- and hard-wood trees. The northern prong of Northeast Creek runs through the southern portion of the site, with associated floodway and floodway fringe areas.

Area Characteristics. The site is in the Suburban Tier on the east side of NC 55 Highway, south of Riddle Road and north of Whilden Drive. Existing uses in the area are industrial, with some commercial, single family residential and vacant land as well. The site is located in the South Alston Road area, which the Durham Area Chamber of Commerce identified in 2006 as an area potentially suitable for industrial development. The surrounding zoning districts include IL, Industrial Park (IP), Commercial General (CG), Commercial Center (CC), Commercial Neighborhood (CN), Office and Institutional (OI), Residential Urban – 5 (RU-5) and Residential Suburban-20 (RS-20).

Appendix F provides a summary of the uses and zoning in the more immediate vicinity of the subject site.

Determination. The proposed RS-M district and associated development plan meets the ordinance and policy requirements in relation to development on the subject site. Land uses in the area are varied such that there is no predominant development characteristic. The proposed project would provide residential choices along transportation corridor that links NC 147 Highway and Interstate 40.

G. Infrastructure

The impact of the requested change has been evaluated to suggest its potential impact on the transportation system, water and sewer systems, and schools. In each case, the impact of the change is evaluated based upon a change from the most intense development using the existing land use and zoning to the most intense use allowed under the request.

See Appendix G for additional information.

Determination. The proposed RS-M district and associated development plan is consistent with *Comprehensive Plan* policies regarding infrastructure impacts.

H. Staff Analysis

This request would be consistent with the *Comprehensive Plan*, should the plan amendment be approved, and other policies and ordinances. If the requested RS-M zoning designation were approved, the development plan would further establish the development potential of the site considering the text and graphic commitments proffered.

I. Contacts

Table I. Contacts		
Staff Contact		
Amy Wolff, Senior Planner	Ph: 919-560-4137, ext. 28235	Amy.Wolff@DurhamNC.gov
Applicant Contact		
Agent: Don D'Ambrosi	Ph: 919-819-8272	Dambrosid111748@gmail.com

J. Notification

Staff certifies that newspaper advertisements, letters to property owners within 600 feet of the site and the posting of a zoning sign on the property has been carried out in accordance with Section 3.2.5 of the UDO. In addition, the following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Northeast Creek Stream Watch
- Partner's Against Crime – District 4
- Fayetteville Street Planning Group
- Friends of Durham
- Unity in the Community for Progress

K. Summary of Planning Commission Meeting August 14, 2012 (Case Z1100028)

Zoning Map Change Request: IL(D) to RS-M(D)

Staff Report: Ms. Jacobson and Ms. Wolff presented the staff report.

Public Hearing: Vice Chair Monds opened the public hearing. One citizen spoke in support. Vice Chair Monds closed the public hearing.

Commission Discussion: Discussion centered on proposed fence and access to Riddle Road.

Motion: Approval of Z1100028.

Action: Motion carried, 11-0.

Findings: The Planning Commission finds that the ordinance request is not consistent with the adopted *Comprehensive Plan*. However, should the plan amendment be approved, the request would be consistent with the *Comprehensive Plan*. The Commission believes the request is reasonable and in the public interest and recommends approval based on comments received at the public hearing and the information in the staff report.

L. Supporting Information

Table K. Supporting Information		
Applicability of Supporting Information		
Appendix A	Application	Attachments: 1. Context Map 2. Future Land Use Map 3. Aerial Photography 4. Development Plan Reduction 5. Application 6. Owner's Acknowledgement 7. Submittal and Review History
Appendix B	Site History	n/a
Appendix C	Review Requirements	n/a
Appendix D	Unified Development Ordinance	Table D1: Designation Intent Table D2: District Requirements Table D3: Environmental Protection Table D4: Project Boundary Buffers Table D5: Summary of Development Plan

Table K. Supporting Information		
Appendix E	Adopted Plans	Table E: Adopted Plans
Appendix F	Site Conditions and Context	Table F: Site Context
Appendix G	Infrastructure	Table G1: Road Impacts Attachments: 8. DDOT TIA Memorandum 9. NCDOT TIA Memorandum Table G2: Transit Impacts Table G3: Utility Impacts Table G4: Drainage/Stormwater Impacts Table G5: School Impacts Table G6: Water Impacts
Appendix H	Staff Analysis	n/a
Appendix I	Contacts	n/a
Appendix J	Notification	n/a
Appendix K	Summary of Planning Commission Meeting	Attachments: 10. Planning Commissioner's Written Comments 11. Ordinance Form

Appendix A: Application Supporting Information

Attachments:

1. Context Map
2. Future Land Use Map
3. Aerial Photography
4. Development Plan Reduction
5. Application
6. Owner's Acknowledgement
7. Submittal and Review History

Appendix D: Unified Development Plan Supporting Information

Table D1. UDO Designation Intent	
RS-M	Residential Suburban – Multi-family - the RS-M district is established to provide for suburban residential development and redevelopment with a maximum of 10.5 dwelling units per acre. A variety of single- and multi-family housing types are permitted including duplexes, townhomes, and apartments. While RS-M is a residential district, certain nonresidential uses such as day care facilities and places of worship may be sought through a special use permit or other limited provisions of the ordinance.
D	Development Plan – the letter “D” following a zoning district indicates that a development plan has been included with a zoning map change request. This designation may be added to any zoning map change request to signify that a conceptual representation of the proposed site has been submitted that indicates how the proposed development could meet ordinance standards. Any significant change to the development plan would require a new zoning petition.

Table D2. District Requirements – RS-M			
	Code Provision	Required	Committed
Residential Density (maximum)	6.3.1.A	10.5	7.676 (DU/Ac.)
Maximum Height (feet)	6.3.1.A	35	35

Table D3. Environmental Protection			
Resource Feature	UDO Provision	Required	Committed
Tree Coverage	8.3.1C	20% (5.039 acres)	20% (5.039)
Stream Protection (buffer in feet)	8.5.4.B	50	50

Table D4. Project Boundary Buffers			
Cardinal Direction	Adjacent Zone	Required Opacity	Proposed Opacity
North	CN	0.2/0.6	0.6 (30 feet)
	IP	0.2/0.8	0.8 (50 feet)
	RU-5	0.4/0.6	0.6 (30 feet)

Table D4. Project Boundary Buffers			
	IL	n/a (right-of-way greater than 60 feet)	n/a
East	IP	0.2/0.8	0.8 (50 feet)
	IL	0.2/0.8	0.8 (50 feet)
West	OI	n/a (right-of-way greater than 60 feet)	n/a
	CC		

Table D5. Summary of Development Plan		
Components	Description	Development Plan Sheet
Required Information	Intensity/Density. 179 residential units = 7.676 DU/Ac.	DP.3
	Building/Parking Envelope has been appropriately identified.	DP.3
	Project Boundary Buffers are appropriately shown	DP.3
	Stream Crossing. None shown.	n/a
	Access Points. Two (2) access points have been identified.	DP.3
	Dedications and Reservations. 10-foot right-of-way dedication along Riddle Road.	Cover, DP.3
	Impervious Area. 60% = 15.11 acres	DP.3
	Environmental Features. Stream, floodway, and floodway fringe.	DP.3
	Areas for Preservation. Stream buffer, 100 year FEMA floodplain (FIRM #3720083000J), less 20' drainage easement as shown.	DP.3
	Tree Coverage. 20% (5.039 acres) as shown.	DP.3
Graphic Commitments	Location of tree preservation area. Location of access points. Minimum 5-foot high fence along east property line as shown. 100-foot greenway easement along the stream.	DP.3
Text Commitments	Prior to the issuance of a certificate of occupancy: <ol style="list-style-type: none"> Construct Site Driveway #1 with one ingress lane and two egress lanes with an appropriate internal tangent throat distance. Construct a northbound right-turn lane on NC 55 at site driveway #1 with adequate storage and appropriate tapers. Construct site driveway #2 as a right-in/right-out access with one ingress lane and one egress lane with an 	Cover

Table D5. Summary of Development Plan		
	<p>appropriate internal tangent throat distance.</p> <p>4. Construct a northbound right-turn lane on NC 55 at site driveway #2 with adequate storage and appropriate tapers.</p> <p>Prior to the issuance of any building permit:</p> <p>5. Dedicate 10 feet of additional right-of-way for the frontage of the site along Riddle Road.</p>	
SIA Commitments	None provided	n/a
Design Commitments (summary)	The architecture will use at least one of the following features from the Neoelectic and Minimal Traditional Styles: multiple front gables, real or faux stone or brick cladding, and vertical siding elements. All buildings will have pitched roofs and asphalt shingles with the following external finish materials: brick. Wood, cementitious or vinyl siding, concrete block or EIFS. Accent materials shall be one of more of the following: real or faux stone or brick cladding, wood, glass, or metal.	Cover

Appendix E: Adopted Plans Supporting Information

Table E. Adopted Plans	
<i>Comprehensive Plan</i>	
Policy	Requirement
Future Land Use Map	Industrial, Recreation Open Space
2.2.2b	Suburban Tier Land Uses
2.3.1b	Contiguous Development
8.1.2j	Transportation Level of Service
8.1.4a and b	Durham Trails and Greenways Master Plan
8.1.4c and d	Development Review and the Adopted Bicycle Plans
11.1.1a	School Level of Service Standard
11.1.1b	Adequate Schools Facilities

<i>Long Range Bicycle Plan</i>
Map 4-6 shows a proposed bicycle lane along NC 55 Highway and a greenway along north prong of Northeast Creek.
Durham Trails and Greenways Master Plan
A trail is shown located parallel to the north prong of Northeast Creek.

Appendix F: Site Conditions and Context Supporting Information

Table F. Site Context			
	Existing Uses	Zoning Districts	Overlays
North	Office, single-family residential, commercial, industrial, fire station	CN, IP, RU-5, IL, CG	None
East	Industrial, vacant, place of worship	IP, IL	None
West	Vacant, place of worship	OI, CC, CN, RS-20	None

Appendix G: Infrastructure Supporting Information

Table G1. Road Impacts		
NC 55 Highway and Riddle Road are the major roads impacted by the proposed zoning change. There are no scheduled City of Durham or NCDOT roadway improvement projects in the area.		
Affected Segments	Riddle Road	NC 55 Highway
Current Roadway Capacity (LOS D) (AADT)	11,900	34,900
Latest Traffic Volume (AADT)	7,800	16,000
Traffic Generated by Present Designation (average 24 hour)*	10,347 (103% of TIA)	
Traffic Generated by Proposed Designation (average 24 hour)**	1,208	
Impact of Proposed Designation	-9,139	

Source of LOS Capacity: FDOT Generalized Level of Service Volume Table 4-1 (2009)

NC 55: 4-lane undivided Class I Arterial with left-turn lanes

Riddle Road: 2-lane City/County Roadway without left-turn lanes

Source of Latest Traffic Volume: 2009 NCDOT Traffic Count Map

***Assumption- (Max Use of Existing Zoning)** – Per TIA for Z07-03: 48,000 sf supermarket, 23,900 sf shopping center, 2 high turnover sit down restaurants (8,000 sf each), and 37,100 sf of general office.

****Assumption- (Max Use of Proposed Zoning)** – 179 apartments

Attachments:

8. DDOT TIA Memorandum
9. NCDOT TIA Memorandum

Table G2. Transit Impacts
Transit service is provided within one-quarter mile of the site along Riddle Road (west of NC 55 Highway) and NC 55 Highway (north of Riddle Road) via DATA Route 12.

Table G3. Utility Impacts
This site is served by City water and sewer.

Table G4. Drainage/Stormwater Impacts
The impacts of any change will be assessed at the time of site plan review. The subject site is of sufficient size and shape to accommodate appropriate stormwater facilities that may be required at this time.

Table G5. School Impacts			
The proposed zoning is estimated to generate 61 students. This represents an increase of 61 students over the existing zoning. Durham Public Schools serving the site are Bethesda Elementary School, Lowes Grove Middle School, and Hillside High School.			
Students	Elementary School	Middle School	High School
Current Building Capacity	15,864	8,647	9,916
Maximum Building Capacity (110% of Building Capacity)	17,450	9,512	10,908
20th Day Attendance (2011-12 School Year)	15,827	7,008	9,686
Committed to Date (July 2009 – June 2012)	384	124	81
Available Capacity	1,239	2,380	1,141
Potential Students Generated – Current Zoning*	0	0	0
Potential Students Generated – Proposed Zoning**	27	14	20
Impact of Proposed Zoning	+27	+14	+20

*Assumption (Max Use of Existing Zone) – No residential permitted in existing district.

**Assumption (Max Use of Proposed Zoning) – 179 single-family units.

Table G6. Water Supply Impacts	
This site is estimated to generate a total of 27,745 GPD if developed to its maximum potential with the proposed zoning district. This represents an increase of 12,120 GPD over the existing zoning district.	
Current Water Supply Capacity	37.00 MGD
Present Usage	28.06 MGD
Approved Zoning Map Changes (July 2009 – June 2012)	0.70 MGD
Available Capacity	8.24 MGD
Estimated Water Demand Under Present Zoning*	15,625 GPD
Potential Water Demand Under Proposed Zoning**	27,745 GPD
Potential Impact of Zoning Map Change	+12,120

Notes: MGD = Million gallons per day

*Assumption- (Max Use of Existing Zoning) – 125,000 sf commercial.

**Assumption- (Max Use of Proposed Zoning) – 179 single-family units.

Appendix K: Summary of Planning Commission Meeting

Attachments:

10. Planning Commissioner's Written Comments
11. Ordinance Form